

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	Case No. 1:11-cr-045
Clifton John St. Claire,)	
)	
Defendant.)	

On July 13th, 2011, defendant Clifton John St. Claire, ("St. Claire") made his initial appearance in the above-entitled action and was arraigned. AUSA Julie Lawyer appeared on the Government's behalf. Assistant Federal Public Defender Orell Schmitz was appointed as defense counsel and appeared on St. Claire's behalf.

Prior to his initial appearance, St. Claire was incarcerated by the State of North Dakota at the North Dakota State Penitentiary, in Bismarck, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act ("IADA"), St. Claire's appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, St. Claire was advised of his rights under the IADA to continued federal custody until the charges set forth in the indictment are adjudicated. St. Claire knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the "sending state" under the IADA) at the North Dakota State Penitentiary pending trial of the charges on the indictment by the

United States (the “receiving state” under the IADA). A written waiver memorializing the waiver has been filed with the court. (Docket No. 12).

Based on St. Claire's waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that St. Claire be housed in the “sending state” under the IADA, at the North Dakota State Penitentiary in Bismarck, North Dakota, pending trial of this matter or until further order of the court. Further, pursuant to St. Claire's waiver, the return of St. Claire to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 13th day of July, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge